

12 CV 02141

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKMonte S. Leach

(In the space above enter the full name(s) of the plaintiff(s).)

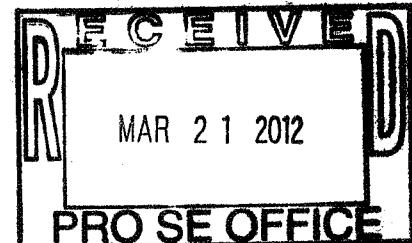
-against-

"OASAS" - Office of Alcohol and Substance Abuse Services."Samaritan Village-Van Wyck""Harry Scott - Assistant Director of -
Samaritan Village-Van Wyck""Carlos (Doe) - Drug Counselor - OF -
Samaritan Village-Van Wyck"

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: Yes No
(check one)

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Monte S. LeachID # Rikers Island # 113-110-0135 / N#05426580 MCurrent Institution Rikers IslandAddress 18-18 Hazen St. East, Elmhurst NY 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name "OASAS"

Shield #

Where Currently Employed Office of Alcohol and Substance Abuse ServicesAddress 1450 - Western Ave. Albany, NY12203-3526

Defendant No. 2

Name "OASAS"

Shield #

Where Currently Employed "Office of Alcohol and Substance Abuse Services"
Address 501 7th Ave N.Y. N.Y.
10016-5903

Defendant No. 3

Name "Samaritan Village-Van Wyck"
Shield #

Where Currently Employed

Address 88-83 Van Wyck Expressway, Jamaica N.Y.
11435

Defendant No. 4

Name Harry Scott - Assistant Director
Shield #

Where Currently Employed "Samaritan Village-Van Wyck"

Address 88-83 Van Wyck Expressway, Jamaica, N.Y.
11435

Defendant No. 5

Name Carlos (Doe) Last Name Unknown
Shield #

Where Currently Employed "Samaritan Village-Van Wyck"

Address 88-83 Van Wyck Expressway, Jamaica, N.Y.
11435

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

"Samaritan Village-Van Wyck"

B. Where in the institution did the events giving rise to your claim(s) occur?

Thru out the facility. Most of the events occurred on the 1st Flr. of the facility. This is the main Flr.

C. What date and approximate time did the events giving rise to your claim(s) occur?

I first entered the said facility on March 2, 2011
yet most of the events occurred sometime on or during
the 1st of April thru May 27th 2011.

Case 1:12-cv-02141-AJN-HBP Document 2 Filed 03/21/12 Page 3 of 13

On or about at least eleven times, a said Harry Scott, assistant director of said facility (Samaritan Village-Van Wyke) and a said counselor there (a Carlos, (last name unknown at this time.) combined on separate occasions, verbally harassed me, stating sexual obscenities like "Suck Dick" and a sexual orientated epithet such as "Learn to do favors!"

D. Facts: while I was mandated there thru the Brooklyn Treatment court 320 Jay St Bklyn. N.Y. 11201 a Judge Ferdinand Presiding. These two persons would state these "epithet" starting on or about April 17th until my discharge on or about May 27th 2011. These words would be said under there breath in such a way so as not to be overheard by any one else as they would pass me thru the halls of the said facility or I would happen to pass them, given No-one was around directly enough to hear them. The said Harry Scott always stating "Learn to do favors" referring to a time I had asked him for a few minutes of his time in reference to a problem I was having with another client there a Mr. Muhammad, who kept bumping up upon my "rear end" at every house meeting we would have which would be at least three times a day! This person somehow would seem to be sitting behind me at all these house meetings and would harass me in such a manner during the meetings by silly bumping up behind my chair, or either put his feet under my chair and like lay his feet upon my ~~feet~~ feet, like he was flirting with me or something! this was an everyday event as well as the intentional bumping up upon my rear end trying to act like he was doing this by accident, at least during the whole month of April and probably thru parts of May!

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. (continued on back pages)

As treated At NYC-Doc Mental Health-Rikers Island
Depression, Anxiety, Distress, undue stress
Hyper-tension, Stress Disorder (Post-traumatic) loss of freedom
interference of daily commerce, loss of Income, loss of property

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes No ✓

I now believe that this Muhammed person, was in cahoots with the said Harry Scott ~~Person~~, citing as the said Muhammed person seemed to be making extreme forward progress in the said program and began working for the said Harry Scott person on or about the beginning of April exclusively in Harry Scott's office, while at the same instance coincidently this is when the problems began between myself and this Muhammed Person. Also I would like to state that this instant forward progress this Muhammed person seemed to be making in the program which included special privileges like if a person (client) put in a complaint slip on him which I had also did on several occasions, these complaint slips or client infractions clients can give each other, seemed to be overlooked in the case of this Muhammed Person. It also seemed that though this Muhammed person could not speak proper English correctly and entered the program sometime soon after myself and a few other English speaking clients sure seemed to be progressing faster than these other clients as well as myself! I mean speaking clear and proper English in such a setting or position in which he was put in where other clients would have to ask of his assistance and where your giving other clients so called orders, would seem to be the proper qualifications for a person who only seemed to be making forward progress faster than clients who speak clear and proper English and who were in the program at least a few weeks before this said Muhammed person, seemed quite strange at least as far as I'm concerned.

So on or about April 17th I hs the said Harry Scott for a few minutes of his time as to speak with him concerning the problem I was having with the said Muhammed Client,

After dropping a few slips on the said Muhammed Person as stated, a few lines ago in this paragraph. The said Harry Scott then brushes me off stating that he only had time to speak with me if and only if I knew how to do favors. In which I responded with "What's that's supposed to mean?" He then responds with "U know favors" in a manner I felt spelled sexual overtones. I then responded "I don't do favors" (citing that I've had past experiences with these kind of overtones) and walk off.

I also would like to state that I feel the said Harry Scott put this Client the said Mr. Muhammed ~~and another client~~ a ~~said John Doe~~ Up to another incident in which I cited the said Client Muhammed leave the said Harry Scott's office after a house meeting on or about the night of May 1st 2011, walk up behind me as I spoke with a female Client ~~and~~ as we strolled past the office of the said Harry Scott. The said Client Mr. Muhammed walked up behind me, (with all but enough space to walk around us) and Purposely bump up upon my rear end, in such a manner I felt was of a sexual hidden Agenda. Since I felt he also set out to try to embarrass me in the sights of the female Client and the other clients around at the time, I told him about himself and the next thing I was being brought up on threatening charges by the said Client Muhammed and the said Harry Scott!

Carlos (Doe) a said counselor at the said facility, combined with the harassing comments of his assistant director a said Harry Scot both on seperate occasions verbally harassed me with sexual comments, that I feel were sexually harassing on at least eleven occasions (combined). The said Carlos (Doe) would just about every time we would pass each other, in the hall of the said facility, when and if no-one was in the vicinity, would comment under his breath as he would pass in ("Suck Dick"!) or I pass him. This I feel was brought on by an incident in which I was participating in a group or class he was giving where he unprofessionally went of his way (I feel!) to single me out, stand directly behind me, as I sat in my chair and basically had his private parts, touching up against my back! Once I let him know that I didn't take kindly, to him standing behind me in such fashion he then, purposely stepped from behind me, stepped on the side of me (which side first I'm not sure) then proceeded to turn

towards me (as I sat) until his private parts were basically at my face and eye level, so as if I were to turn my face in his direction (mind I'm facing forward) I would have had my face directly inches away from his private parts! I again politely complained about my uncomfortableness with him standing so close and in my presence in such a fashion when there was plenty of room in the middle of the class or group. (since the chairs were set in circular form) He just walked to the other side of me, and stood in the same fashion as before! When I told him the same thing again and that I felt he was being improper and unprofessional in light of all the space in the middle of the group and that I felt by him addressing the class from the middle of the circle showed lack of discipline on his part! He then pulls a reverse psychology move, storms out the room to Mr. Harry Scott's office, stating I was out of

Place for calling him out in front of the class or group like that. Then he and Harry Scott have me placed out of the class, has me sit in the hall facing the wall (on the first flr of facility) so as to embarrass me in front of the other clients, as well as staff. This incident happened sometime between April & May if not towards the end of March! (3)

Lastly upon the month of May I was discharged from the said facility after another client started a fight with me, after he runs up on me after leaving the said Harry Scott's office (I was pulling fire guard sitting not far from his office) (Harry Scott was present at the time of this incident consider and kisses me on my lips. Mind, Clients and staff saw this and so I push him out my face, holding back my instinct to punch this guy, yet as soon as I push this client out of my face, Harry Scott just happens to be standing at the entrance of his office (again on the first flr) Discharges me stating that I broke physical (an unwritten rule at said facility) yet he says nothing of the fact that this client (John, Doe) caused a loud disturbance as he leaves his office, runs up on me as if he was gonna attack me then kisses me on the lips! (Breaking physical, first hurt?)

I must believe that this client (and John Doe) (I'm sure Harry Scotts knows his name!) was in cahoots with the said Harry Scott, and possible the said Carlos (Doe) also, etc.ing. I could have sworn that I saw the said Carlos person as all the commotion erupted!

This last incident occurred sometime on or before May 21, 2011!

Also, I spoke with a Mr. Koronos (347) 1070 my legal counselor thru the Brooklyn Treatment courts. I spoke with him on a few occasions about what I felt was the sexual impropriety going on there at the said "Samaritan Village" - Van Wyck Treatment Center, perpetrated by a few staff members, as well as a few clients. On one occasion he had me speak with his supervisor at the time a Susan Stangese. I spoke with her and him about the same improper behaviors going on there and how it was making me feel uncomfortable. I didn't get into detail as in this report for the reasons stated on Pages 3, 4, 5, 6.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes No Do Not Know ✓

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes No Do Not Know ✓

If YES, which claim(s)? N/A

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes No ✓

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes No ✓

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

N/A

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: I spoke with a Mr. Kororos a drug treatment Counselor for the Bklyn Treatment Court. 320 Jay St. Bklyn N.Y. 11201 (347) 296-1070. He later had me speak with his supervisor at the time, A Susan Sturges.

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: As I stated previously, I spoke with a Mr. Korcza who had me speak with a Susan Sturges about what I feel was a series of sexual impropriety and unprofessionalism going on there at the ~~said~~ facility. I generalized about staff as well as clients. I at least spoke with Mr. Korcza twice about this.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. I personally felt at that particular time that it was of my best interest to finish the program and put up with the sexual unprofessionalism and improper behavior as best I could until I finished the classes and graduated the program, because I didn't wanna make to much waves as I wanted to finish the said program and get the unjustified charges pending against me dropped. I didn't want to get improperly discharged before then!

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Establish an oversight committee which operates to resolve complaints of any nature lodged by a participant of said Programs. Provide appropriate resolutions with courts to impose civil/criminal sanctions against defendants via federal or state civil/criminal courts.

3. Order facility to implement a practical grievance program and enforceable policies which forbid improper, unprofessional, unethical, illegal conduct of all kinds including sexual harassment and misconduct!

4. Order defendants to pay appropriate restitution in the amounts in the amounts of \$ 111,000 usd, for Potential Incomes earned! Remit cost of plaintiffs Dues to the said facility, ~~and the 1/4 deposit to the said~~
Order the the courts to incorporate Civil damages usd against the defendants for the Plaintiff in \$1,111,111,00 usd.

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes No

On these claims

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes No _____

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Monte S. Leach ^{with} Tracie Sundack & Associates, L.L.C.
Defendants City of New York, Dept. of Correction, Prison Health Services

2. Court (if federal court, name the district; if state court, name the county) Bklyn N.Y.?
Qns. N.Y.? Bronx N.Y.? Could be all the above!

3. Docket or Index number Unknown

4. Name of Judge assigned to your case Unknown

5. Approximate date of filing lawsuit Unknown

6. Is the case still pending? Yes No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Still Pending

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 17th day of March, 2012.

Signature of Plaintiff

Inmate Number

Institution Address

Noelle Zies
113-110-1135 / N: 05426580 M
18-18 Hazen St
East Elmhurst N.Y.
11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 17th day of March, 2012, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Noelle Zies
Note: This may not be my mailing address past certain point in April
Please adjust as I properly send my pending mailing address
as soon as another Treatment Program becomes available!
Thanks for your Inconvenience.